



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 04-130
ACTION AGAINST)	
)	Notice of Administrative
Al Kiefer)	Charges
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.”

RCW 42.17.241 details the content required in each report.

WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 9/02...”

*“The public’s right to know of the financing of political campaigns and lobbying
and the financial affairs of elected officials and candidates far outweighs
any right that these matters remain secret and private.”*

RCW 42.17.010 (10)



III. **FACTS**

The Respondent, Al Kiefer, is a Fire Commissioner for Whatcom County Fire Protection District No. 10, 2095 Yew Street Road, Bellingham, Washington 98226. He is an incumbent Fire Commissioner who was a candidate for re-election in 2003. His name appeared on the general election ballot on November 4, 2003. Mr. Kiefer filed a Declaration of Candidacy with the Whatcom County Auditor on August 1, 2003. **(Exhibit 1)** He ran unopposed and was elected on November 4, 2003.

As a candidate in the November 4, 2003 general election, Mr. Kiefer was required to file a Statement of Financial Affairs (PDC form F-1) within two weeks of becoming a candidate, or by August 15, 2003. The F-1 report was not timely filed. On August 19, 2003, Mr. Kiefer was sent a letter informing him that the F-1 report due within two weeks of becoming a candidate had not been received. The letter stated that he needed to file before August 28, 2003 to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. **(Exhibit 2)** On August 29, 2003, Mr. Kiefer was notified of a brief enforcement hearing scheduled for September 10, 2003. The notice gave him the opportunity to file the missing report, stipulate to a violation and pay a \$100 penalty to avoid a brief enforcement hearing. **(Exhibit 3)** At the brief enforcement hearing on September 10, 2003, the Presiding Officer, Susan Brady, stated that based on the Penalty Schedule previously adopted by the Commission for candidates, Mr. Kiefer's case would be heard by the full Commission. The F-1 report due by August 15, 2003 has not been received. **(Exhibit 4)**

Past History – In 2003, in Case #03-342, Mr. Kiefer was a Fire Commissioner in Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs (PDC Form F-1) by April 15, 2003. The F-1 was not filed. A brief enforcement hearing was held June 12, 2003, and Mr. Kiefer was found in violation of RCW 42.17.240 for failing to

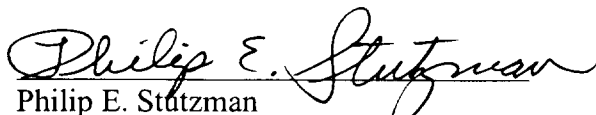
timely file a Statement of Financial Financial Affairs by April 15, 2003. He was assessed a civil penalty of \$300. The penalty has not been paid.

In 2002, in Case #02-466, Mr. Kiefer was a Fire Commissioner in Whatcom County Fire Protection District No. 10. He was required to file a Statement of Financial Affairs (PDC Form F-1) by April 15, 2002. The F-1 was not filed. A brief enforcement hearing was held June 4, 2002, and Mr. Kiefer was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs by April 15, 2002. He was assessed a civil penalty of \$150. The penalty has not been paid, and on January 9, 2003, the case was sent to the Attorney General's Office for further action.

IV. **CONCLUSION**

Staff alleges, based on the facts specified in Section III, that Al Kiefer has violated RCW 42.17.240 by failing to timely file the Statement of Financial Affairs (PDC form F-1) within two weeks of becoming a candidate, or by August 15, 2003.

RESPECTFULLY SUBMITTED this 19th day of November, 2003.


Philip E. Stutzman
Director of Compliance

Exhibits

Exhibit 1	Declaration of Candidacy
Exhibit 2	August 19, 2003 Warning Letter
Exhibit 3	August 29, 2003 Brief Enforcement Hearing Notice
Exhibit 4	Affidavit of Tony Perkins

Date/Time 3:24 p 8-1-03 Fee Paid \$ 0 File No. 168
 Paid By (Check one)
☐ Check ☐ Other
☐ Cash ☐ Nom. Petition Clerk/Cashier initials EJP Office Code: _____

DECLARATION OF CANDIDACY

1. I, Alfred J. Kiefer Jr. am a registered voter residing at:
 (PRINT NAME AS YOU ARE REGISTERED TO VOTE)
2. 1986 Kew St. Rd. Bellingham Whatcom 98229
 (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)
- 1986 Kew St. Rd Bellingham Whatcom 98229
 (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)
- 360 671 6223
 (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

Fire District #1 Commissioner Position #1
 (NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☒ A full term or a full term and a short term, or
☐ An unexpired term

5. This office is:

- ☒ Nonpartisan, or
☐ Partisan, and I am: ☐ a candidate of the _____ party, or
☐ an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- ☒ There is no filing fee because the office has no fixed annual salary, or
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
☐ I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
☐ I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot **exactly** as follows: AL Kiefer
 (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X

Alfred J. Kiefer
 (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____



SIGNED OR ATTESTED BEFORE ME ON _____
 (DATE)

by _____
 (CANDIDATE)

[Signature]
 (SIGNATURE OF NOTARY)

deputy
 (TITLE)

MY APPOINTMENT EXPIRES _____



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112

E-mail: pdcc@pdc.wa.gov * Website: www.pdc.wa.gov

August 19, 2003

TO: AL KIEFER
2095 YEW ST RD
BELLINGHAM WA 982298909

FROM: Public Disclosure Commission (PDC)

SUBJECT: **Missing Personal Financial Affairs Statement (PDC form F-1)**

Our records indicate that you are a candidate in the 2003 election and that the PDC has not yet received a Personal Financial Affairs Statement (PDC form F-1) from you. The public disclosure law requires candidates to file the F-1 form within two weeks of becoming a candidate.

Enclosed is a blank F-1 form for your use. If applicable, also complete the F-1 Supplement Page. Please complete the F-1 form and mail it to the PDC by August 28, 2003 to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties.¹²⁹

A template of the F-1 form is also available on the PDC Web site at www.pdc.wa.gov. Click on "Filer Assistance" and then on "Form Templates." The F-1 Instruction booklet is available on our web site under "Filer Assistance", "Manuals" and "Personal Financial Affairs Statement Instructions" and is also available from your County Auditor and the PDC.

If you have already filed the F-1 form, please contact our office immediately. Thank you for your cooperation. If you need assistance, please contact Sally Parker at (360) 586-2869 or by e-mail at sparker@pdc.wa.gov. You may also contact Tony Perkins at (360) 586-1042 or by email at tperkins@pdc.wa.gov. Both may be reached toll-free at 1-877-601-2828.

Sincerely,


Philip E. Stutzman
Director of Compliance

Enclosure
F-1 / F-1 Supplement forms

¹²⁹ Please note that faxed reports are not acceptable because they only show a copy of your signature and the report needs to display your actual original signature.

EXHIBIT

of

2





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E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

August 29, 2003

F-1 Hearing Notice

AL KIEFER
2095 YEW ST RD
BELLINGHAM WA 982298909

PDC Case No. 04-130

Office Sought: FIRE COMMISSIONER

Jurisdiction: WHATCOM FIRE PROT DIST 10

Our records indicate that you are a candidate in the upcoming election. RCW 42.17.240 requires the filing of a Personal Financial Affairs Statement (PDC form F-1) for candidates in towns or districts that have 1,000 or more registered voters as of the last general election. The F-1 report was due within two weeks of becoming a candidate. We have not yet received the F-1 report from you.

Pursuant to WAC 390-17-142 and RCW 34.05.482 et seq., a brief enforcement hearing will be conducted to determine if you have violated the public disclosure law. Susan Brady, Chair of the Public Disclosure Commission, is the Presiding Officer in this matter. The hearing will be as follows:

Date and time: Wednesday, September 10, 2003 at 9:30 a.m. (*all times approximate*)
Place: Evergreen Plaza Building, Room 206
711 Capitol Way, Olympia, WA 98504-0908

YOU CAN AVOID THE HEARING by signing the enclosed statement of understanding and returning it along with **\$100 for the missing report**. Your check or money order must be made payable to the "**Washington State Treasurer.**" You must also file the missing report. To avoid the hearing, your signed statement of understanding, missing report, and check or money order for \$100 must be received in our office **by 5:00 p.m., Monday, September 8, 2003.**

Under the brief enforcement hearing rules, the Commission has the authority to assess penalties of up to \$500 for violations. If you do not avoid the hearing as outlined above, a penalty higher than \$100 could be assessed at the hearing. If you do not avoid the hearing, and there are circumstances you wish to have considered at the time of the hearing, you may submit a written response or attend the hearing. If a limited-English-speaking or hearing impaired party or witness to this proceeding needs an interpreter, a qualified interpreter will be appointed and there will be no cost to the party or witness. If an interpreter is required, or if further correspondence regarding this proceeding should include instructions in a language other than English, please inform us in writing or contact us at (360) 753-1111, toll-free at 1-877-601-2828, or by email at pdc@pdc.wa.gov.

EXHIBIT 3

1 of 2



If your F-1 report is received in our office with a postmark of August 28, 2003, or earlier, your case will be closed and your hearing cancelled. You will be notified in writing if your hearing is cancelled. If you mailed your form on or near August 28, 2003, you may contact PDC staff to confirm the status of your case.

I will be representing the staff of the Commission at the hearing. If you are unable to attend the hearing and would like to participate by telephone conference call, or if you have questions regarding your missing report or the hearing, please contact Sally Parker at (360) 586-2869 or by e-mail at sparker@pdc.wa.gov. You may also contact Tony Perkins at (360) 586-1042 or by email at tperkins@pdc.wa.gov. Both may be reached toll-free at 1-877-601-2828. A written order by the Presiding Officer will be entered after the hearing.

Sincerely,



Philip E. Stutzman
Director of Compliance

Enclosure: Statement of Understanding / Brief Enforcement Penalty Grid
F-1 and F-1 Supplement Forms



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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)

) ss.

County of Thurston)

AFFIDAVIT OF
TONY PERKINS

I, Tony Perkins, being first duly sworn on oath depose and say:

I am a Political Finance Specialist for the Public Disclosure Commission and have been since July 16, 2002.

On November 17, 2003, I personally searched the electronic image files maintained in the offices of the Public Disclosure Commission for the Personal Financial Affairs Statement (PDC Form F-1) of Al Kiefer and found that, prior to November 17, 2003, no F-1 report was filed by Mr. Kiefer with the Public Disclosure Commission, as required by RCW 42.17 for a candidate in the 2003 election.

In the above-described search of the files of the Public Disclosure Commission, I found no requests by Al Kiefer for a reporting modification or suspension, as authorized by RCW 42.17.370(9) and WAC 390-28, and, to the best of my knowledge, no requests for reporting modifications or suspensions by Al Kiefer have been received by the Public Disclosure Commission as of this date.

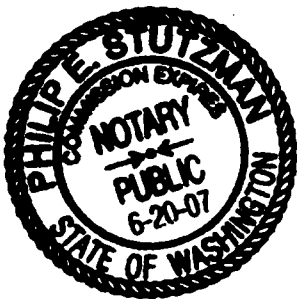
436.12

SUBSCRIBED AND SWORN to before me this 17th day of November, 2003.

Philip E. Stutzman

NOTARY PUBLIC in and for the state of
Washington.

My commission expires 6-20-2007.



"The public's right to know of the financing of political campaigns and lobbying
and the financial affairs of elected officials and candidates far outweighs
any right that these matters remain secret and private."

RCW 42.17.010 (10)

EXHIBIT 4

of 1

